



PLANNING COMMISSION AGENDA

Thursday, May 12, 2016
Morgan County Council Room
5:00 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Joint Workshop with County Council:

6. Workshop: Brent Bateman, State of Utah Property Rights Ombudsman. (*Planning Commission agenda will reconvene following workshop.*)

Administrative:

7. Planning Commission Business/Questions for Staff/Ordinance Update
8. Approval of minutes from April 28, 2016
9. Adjourn

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: May 12, 2016
SUBJECT: Land Use Ordinance Text Amendment – Conditional Use Standards

Revisions:

The revisions are in the **bold** ~~strikethrough~~ format.

Section 8-8-4:

A. Conditions Relating To Safety For Persons And Property:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on ~~or adjacent~~ to the property. **These requirements shall apply only to the applicant's property.**
3. Increased setback distances from lot lines where ~~the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.~~
4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
8. ~~Reduction of permitted street grades for winter and storm conditions, or exposure.~~
9. Fences shall not create visual nor other safety hazards.
10. Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.
11. Numbers **y** and types **s** of vehicles per time period associated with the conditional use activities **(see Section F below)**.
12. Time of day and days of the week conditional use may operate.
13. **Buildings and site perimeter shall be secured with locks, gates, and other barriers to access as appropriate to ensure safety and security.**

B. Conditions Relating To Health And Sanitation:

1. A guarantee of sufficient water to serve the intended land use and a water delivery system ~~meeting standards adopted by the governing body.~~ **All uses shall comply with applicable Federal, State, and local standards.**

2. A wastewater disposal system and a solid waste disposal system ~~meeting standards adopted by the governing body.~~ **All uses shall comply with applicable Federal, State, and local standards.**
3. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the county.

C. Environmental Concerns:

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
2. Standards intended to conserve, enhance, restore, and maintain significant natural and manmade features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use, or alteration of such features.
3. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors. ~~Processes for the control, elimination or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors.~~
 - a. These processes may include restrictions on degradation of water **and air** quality.
 - b. Developments which produce any **air pollution and/or** discharge to any watercourse shall demonstrate compliance with all federal, state and county **air and** water quality standards as evidenced by the issuance of any permits required for their discharge by the federal government, state and/or county.
 - c. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to final approvals for the project. It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right of way during such activity.
4. The planting of ground cover or other surfacing to prevent dust and erosion.
 - a. The proposed land disturbing activity will ensure and provide an undisturbed vegetation buffer from the top of the bank of a stream, wetland or other water body, unless a mitigation plan is approved for alterations within the buffer area.
 - b. Whenever feasible, natural vegetation will be retained and protected.
 - c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - d. Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.
5. Restructuring of the land and planting of the same as directed by the ~~planning commission~~ **County Engineer** when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.
6. Limitations and/or restrictions on construction and/or development on slopes in excess of ~~thirty percent (30%)~~ **twenty-five percent (25%)** to control erosion.
7. If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:

- a. Topographic information showing that the proposed activity is on land with a slope less than ~~thirty percent (30%)~~ **twenty-five percent (25%)** and that it is located more than two hundred feet (200') from a known landslide.
- ~~b. A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.~~
- c. **b.** Such other engineering or technical reports as may be required by the planning commission or governing body.
- d. **c.** Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.
8. **d.** In all cases, the applicant may be required to supply ~~a geologic report, a geotechnical study,~~ a hydrological study, a civil engineering study and other applicable engineering studies required by ~~the planning commission or governing body~~ **and** acceptable in form and content to the county engineer.
9. **e.** The applicant's conditional use may be limited or denied if blasting, drilling or any other construction activity involved will weaken, or cause, adjoining slopes, geologic formations and manmade improvements to become unstable or if the proposed construction or operation will result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications.
10. **8.** Standards to maintain the integrity/existence of natural drainage patterns as determined by the planning commission.
11. **9.** Construction methods, specifications, drawings, plans and practices as requested by the county engineer.
12. **10.** An environmental assessment and/or an environmental impact statement which includes an alternatives analysis performed by a company approved in advance by the ~~planning commission~~ **County Engineer** may be required.
 - a. The environmental assessment/environmental impact statement shall identify all environmental concerns, including, but not limited to, visual and auditory aesthetics, erosion control, land, water and air pollution, and an alternatives analysis.
 - b. The alternatives analysis in the environmental assessment/environmental impact statement will address all reasonably possible alternatives to the proposed project. In the event the proposed use is a utility line or pipeline for the transportation, transmission, delivery or receipt of water, natural gas, electricity, telephone, cable television or any other similar use, public property or roadway rights of way shall be utilized to the extent possible and the least damaging practical alternative is presumed to be such public property or roadway rights of way; condemnation of private property for such uses is not favored and will only be allowed if there is no other reasonably practical alternative. This analysis must demonstrate that the applicant's chosen alternative is the least environmentally damaging of those alternatives available.
 - c. A finding of no other practicable alternative for the proposed use may be made after demonstration by the applicant that:
 - (1) The basic purpose of the project cannot reasonably be accomplished using another alternative.
 - (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration or density of the project as proposed, or by changing the design of the project in a way that would result in fewer adverse effects.

- (3) If the applicant has rejected other alternatives, the applicant shall show that a reasonable attempt has been made to remove or accommodate the constraints associated with the rejected alternative.

11. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is hereby prohibited. Safe noise levels may vary by use and location, but generally shall not exceed 85 decibels as measured fifty feet (50') from the property line where the noise is being generated.

13. **12.** Such other or additional standards as may be established by the planning commission or governing body as they may deem necessary for the protection of the health, safety, convenience and general welfare of the present and future inhabitants of the county and the environment.

D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or Neighborhood):

1. The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this title.
2. The screening of yards or other areas as protection from obnoxious land uses and activities.
3. Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this title.
4. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.
5. The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the county, adequate sight distances for general safety, groundwater control, or similar problems.
6. Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.
7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.
8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.
9. Conservation of values; community, neighborhood and property values.
10. The character of the neighborhood and aesthetics of the streetscape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes **(see architectural standards in Section G below)**.

E. Conditions Relating To Performance:

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
 - a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.
 - b. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The planning commission and governing body may grant a maximum extension for one year, when deemed in the public interest.

2. **a.** The **County Engineer**, planning commission and/or governing body may require the applicant to pay a performance and completion bond for ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the cost of construction.
b. As determined by County Engineer, ~~The~~ **the** planning commission and governing body ~~may~~ **shall** also require a performance bond for ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the cost of rehabilitation **and landscaping** to ensure that proper rehabilitation **and landscaping** is made over a ~~three (3)~~ **one (1)** year period. The rehabilitation **and/or landscaping** requirements will be determined by the county engineer.
3. Specific short and long range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.
4. The applicant ~~may~~ **shall** be required to demonstrate that the general and specific requirements of this title are met. In addressing these requirements, the applicant and **County Staff**, the planning commission, **and/or the governing body** shall give due regard to the nature and condition of adjacent uses and structures. The environmental and other concerns, including, but not limited to, visual and auditory aesthetics, erosion control, energy conservation concerns and water and air pollution listed in this section under performance standards for conditional uses apply.
5. In connection with and as a condition of approval of any application for a conditional use, the applicant shall sign such agreements in form and content approved by the county attorney, planning commission and **/or** governing body embodying any of the standards or requirements set forth herein or otherwise established by the planning commission and/or governing body.

F. Energy Conservation Concerns:

- ~~1. Solar orientation of buildings and uses.~~
- ~~2. Use of renewable energy sources.~~
- ~~3. Efficiency of exterior lighting.~~
- ~~4. Shading and protection of important buildings and pavings (parking lots, etc.); landscaping and trees, location of buildings and screens.~~
- ~~5. Effective use of vestibules.~~
- ~~6. Wind screening.~~
- ~~7. Circulation (travel) efficiency.~~
- ~~8. Efficiency of stormwater removal and erosion control.~~
- ~~9. Maintenance efficiency for offsite improvements to be maintained by the public.~~
- ~~10. Maintenance efficiency for on-site improvements to be maintained by users, occupants and owners, etc.~~

F. Traffic Impact Analysis (TIA). The TIA is intended to develop public/private partnerships to coordinate land use and transportation facility development. Both the County and the land developer share in the responsibility to consider all reasonable solutions to identified transportation problems.

1. **Purpose.** This process is done simultaneously with the submittal of a site plan. The goal of this study is to look at a specific development of known size and use and to determine the effect of that use on the existing roadway system. It uses existing traffic volumes and assumes the existing roadway configuration to be used for analysis. This process should ensure that the roadway system is adequate to accommodate the proposed use and may recommend mitigation measures necessary to ensure efficient traffic flow

around the proposed site (as based on intersection and roadway levels of service).

2. **Objective.** A TIA is intended to define the immediate impacts of the proposed development and any necessary transportation improvements (public or private) required to ensure a satisfactory level of service on all affected thoroughfares. A TIA is designed to mitigate traffic impacts by optimizing roadway capacity, access design, and traffic control. A TIA may not be used to deny development permitted by zoning, nor shall it be used to modify road design contrary to the comprehensive plan. Specific improvements to the existing roadways consistent with the thoroughfare plan may be needed to gain approval of site plan proposals.
3. **Definitions.** The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy. When available, all base data shall be supplied to the County Engineer. In all cases when ground counts are needed and are not available, the developer or the developer's agent shall be required to collect such data.

Design year means the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy.

Level of service (LOS) means a measure of the level of congestion experienced on roadways. The desirable minimum level of service of the County is a level of service C in the peak hour. Level of service shall be measured on of both link and intersection operations.

Trip generation rates means the County's criteria for trip generation for various categories of land use and density and shall be those set forth in the latest edition of the trip generation informational report published by the Institute of Transportation Engineers (ITE), unless the proposed use does not have a corresponding rate in the trip generation manual. Alternate trip generation rates shall not be accepted but shall instead be adopted for countywide use on the basis of a general study of local conditions.

4. **Applicability.**
 - a. All TIAs shall be performed by a consultant qualified to perform such studies. Requirements for mitigating negative traffic impacts shall apply to all cases. In certain cases, due to project phasing, a TIA might be required with a concept plan submittal. It is the responsibility of the applicant to demonstrate that a TIA is not required for a nonresidential site plan application. In cases where a TIA is required, the site plan application will be considered incomplete until the TIA is submitted.
 - b. A TIA will be required for nonresidential site plans submitted for approval that generate an increase of five percent (5%) or more over the base volume. A TIA may be required for nonresidential site

plans submitted for approval that generate less than five percent (5%) or more over the base volume, and where the peaking characteristics could have a detrimental impact on the transportation system as determined by the County Zoning Administrator, County Engineer, or designee.

5. **Methodology.** A presubmission consultation with the County Zoning Administrator, County Engineer, or designee is required. Details of the required analysis and the study area will be determined at this meeting. In certain instances, traffic from other approved but not built developments may have to be accounted for in traffic assignments. Staff may also require specific assumptions such as the percent trucks are altered to match local conditions. Peak hour analysis might be directed to reflect the peak 15 minutes for certain types of land uses. All of these types of issues will be addressed at the presubmission consultation.
6. **Content.** The following procedures shall be followed in preparing traffic impact studies submitted to the County:
 - a. **Study area.** A map shall be included delineating the TIA study area and all existing and planned streets therein. The study area will be defined in the presubmission consultation meeting with the County Zoning Administrator, County Engineer, or designee;
 - b. **Existing zoning and development.** Describe existing zoning including land area (gross and net) by zoning classification, square footage, numbers of hotel rooms, dwelling units, etc. Also, describe any existing development on site and how it will be affected by development proposals;
 - c. **Thoroughfare network.** Describe existing thoroughfares, signals and signal phasing, and traffic volumes within the study area;
 - d. **Proposed development.** Describe the proposed development including land area (gross and net), square footage, number of hotel rooms, dwelling units, etc. Also describe roadway conditions as expected by date of occupancy. Indicate roadway and intersection capacities at the study date;
 - e. **Impact determination.** Determine the level of service for all thoroughfares and intersections in the study area. The analysis shall contain the following minimum information:
 - (i) **Proposed trip generation.** Calculate total trip generation by use (assuming full development and occupancy) and report any reductions for passerby, mixed use, etc. Show trip generation by use in tabular form with land use trip generation rates and trips generated.
 - (ii) **Trip distribution and assignment.** Trips generated by the proposed development are to be added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.
 - (iii) **Level of service analysis.** Show in tabular form 24-hour and peak hour volume-to-capacity (V/C) ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, background traffic, and background plus

project traffic. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

(iv) Conclusions. Provide a summary of points of conflict and congestion. Identify all thoroughfare links or intersections exceeding a level of service D and the percent increase in total traffic produced by the proposed site plan. Identify any operational problems (e.g., drives, median openings, and signalization) within the study area.

- 7. Mitigation. Traffic levels exceeding a level of service D, where the development is contributing five percent (5%) or more of the total trips, shall be mitigated to predevelopment levels. Problems demonstrated by the TIA can be corrected by:**
 - a. Access management relating to driveway and median opening spacing;**
 - b. Modifying density or intensity of use (e.g., reduction in square footage or percentage of commercial use);**
 - c. Phasing construction until additional roadway capacity becomes available;**
 - d. On-site improvements including access controls and site circulation adjustments; and/or**
 - e. Off-site improvements including the construction of additional lanes where the surrounding thoroughfares are not fully developed or intersection improvements, including signalization, where the surrounding area is approaching full development.**
- 8. Costs of mitigation. Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the thoroughfare plan may be repaid in a pro rata fashion by the County in accordance with its cost sharing policies.**

G. Architectural Standards

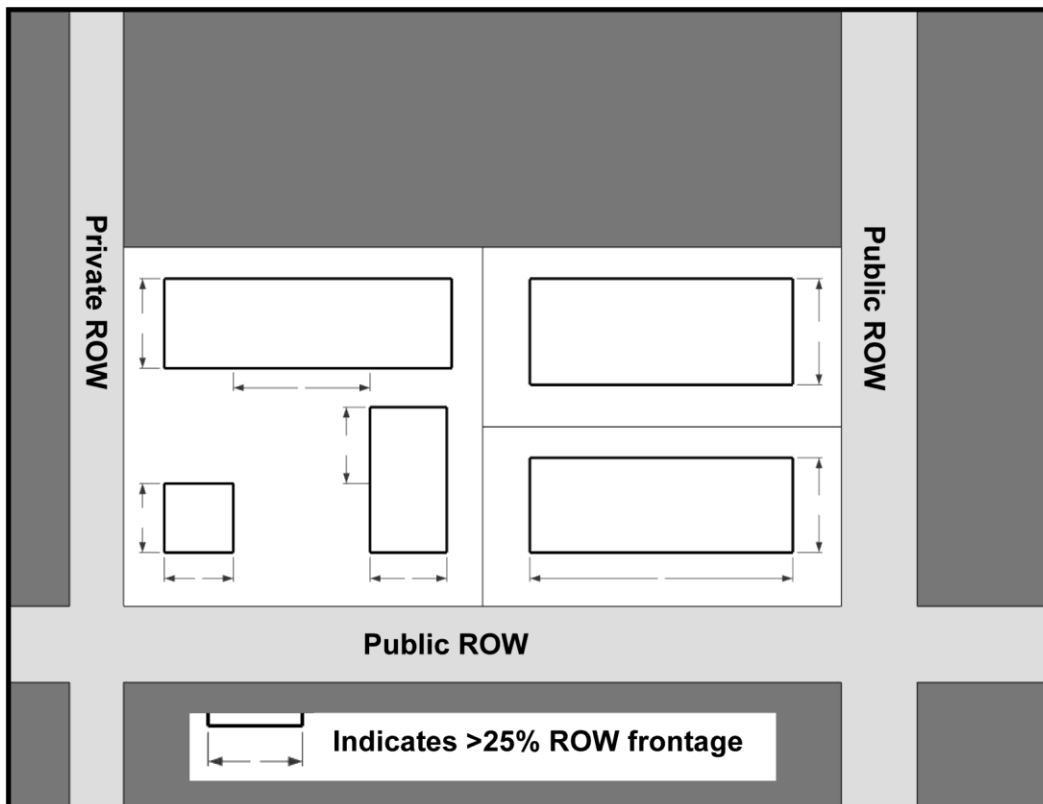
- 1. Purpose. The purpose of establishing architectural standards within the County is to provide minimum guidelines that developers, architects, and builders will be expected to consider when proposing new construction in the County. Residential, multifamily and townhouses, and commercial and industrial construction shall meet the standards outlined within this section. Churches and schools, due to their distinguishable and quasi-public, nonprofit character, shall also be reviewed but may be allowed increased flexibility in application of the standards.**
- 2. Residential areas.**
 - a. Residential areas in the County shall generally be exempt from architectural review of individual residences. Care shall be taken to create areas of harmony in architectural style, considering aspects such as massing, color, fenestration, etc., in order to be conducive to an overall neighborhood feel. If a residential unit has brick, stone, or other masonry on any facade, it is required that all facades/sides (front, rear, and sides) incorporate a minimum of 50 percent brick per facade. Deed restrictions regarding architectural improvements of any kind may be placed on subdivisions where appropriate.**

- b. This exemption shall not extend, however, to include common areas, parks (whether public or private), park strips, clubhouses, and/or sales offices or other commercial-type areas within residential areas. These areas shall meet the off-street parking, landscaping, and architectural standards as required in this Code. Where question exists regarding the specific nature of the use proposed, developers shall meet the minimum standards of this and other applicable sections. Lighting, landscaping, and parking layouts shall be submitted in connection with other submittals included in this chapter.
3. Nonresidential areas.
 - a. Minimum architectural standards. All nonresidential areas in the County shall comply with the minimum architectural standards delineated in this subsection. Developers, architects, and builders are encouraged to take cues from existing architecture in determining what is appropriate for their building. Buildings that are outside of the local vernacular of buildings shall be strictly avoided. Further, developers, architects, and builders are strongly encouraged to consult with County Staff regarding concepts prior to significant investment being made.
 - b. Summary table. The following table summarizes the architectural standards that apply to nonresidential buildings:

Architectural Standards Summary Table	
General	
On right-of-way façades two elements of architectural relief are required every 45 feet (minimum). Where the façade contains less than 45 feet, two elements are required.	
No more than two-thirds of the roofline shall be at the same elevation.	
Painted steel siding and/or galvanized steel shall only be allowed on façades not visible from a right-of-way, park area, public open space, or residential area.	
Required exterior cladding and façade	
Brick, stone, marble, granite, tile, or specified concrete product	10 percent (minimum)
Stucco, EIFS, or other specified concrete product	50 percent (maximum)
Wood or cedar siding	30 percent (maximum)
Honed, kerfed, fluted, smooth or split face, tinted concrete blocks	10 percent (maximum)

Reflective glass	80 percent (maximum)
Stainless steel, chrome, standing seam metal, premium grade metal	20 percent (maximum)
Building colors	
Accent colors per façade	15 percent (minimum)
Pedestrian/bike facilities	
Required bicycle parking/securing spaces	Eight per 5,000 square feet (facilities should be located near main entranceways in lighted, highly visible locations); maximum requirement is 30
Pedestrian walkways in parking areas and sidewalks are required for all commercial uses with more than 200 feet of frontage or that incorporate more than one unit. Raised pedestrian walkways are required in parking lots of more than 100 spaces.	
Other requirements	
A public space or plaza shall be incorporated into the site design of all developments of 150,000-square-foot aggregate finished floor space or greater. This space shall be a minimum of ten percent of the finished floor space and shall provide connectivity between buildings and parking areas. This public space or plaza shall be in connection to other public circulation spaces, which shall count toward the required open space square footage, and shall incorporate both landscaping and hardscaping elements. A minimum of 500 square feet shall be contiguous and shall contain elements as described below.	

- c. **Façades.** A façade is considered to be any wall, roof, or part of a structure that faces a right-of-way and/or contains the primary entrance to the building. For the purposes of this section, façade shall be applied to all surfaces that have at least 25 percent frontage facing a right-of-way. (See the illustration below.) All sides of the building shall meet the minimum standards of this section; façades, as defined in this subsection, shall meet the specific requirements listed below). Exception may be allowed to these standards in the case that the structure is located more than 300 feet from a right-of-way.



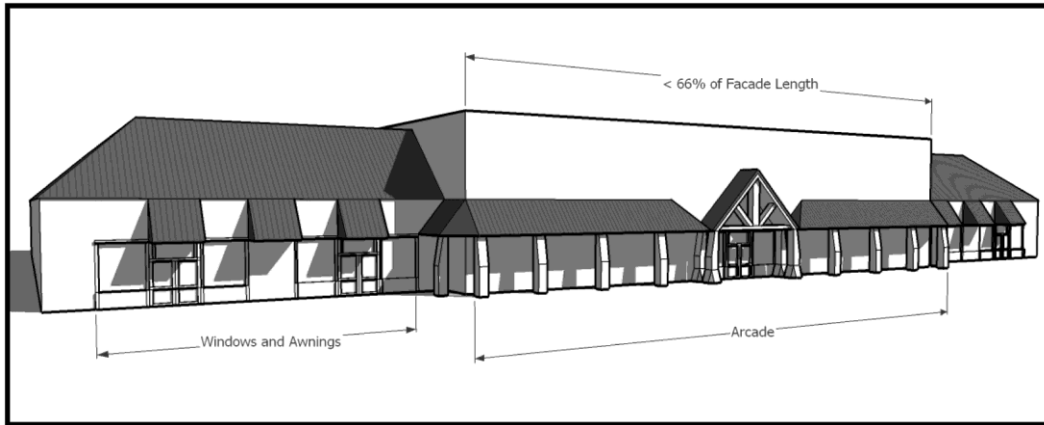
d. Screening required.

- 1) All mechanical equipment shall be screened from view in such a manner that it is not visible from a public right-of-way or residential district that is within 150 feet of the subject lot's closest lot line. Screening shall match existing architecture in materials, colors, and scale to maintain a unified appearance. Parapet walls, partition screens, masonry, stone, or brick walls, encasement, or other fencing, as appropriate, are acceptable means of screening.
- 2) Detention and retention ponds shall be landscaped and made a functional part of the overall landscape scheme. Detention ponds not designed to be part of the landscape are required to be screened using berms, shrubs, brick/stone/masonry walls, or a combination of these to create a three-foot-high visual perimeter above the finished grade of the lot.

e. Building mass and design.

- 1) In order to provide visual interest, the first two stories of any facade facing a right-of-way shall use architectural relief every 45 horizontal feet by incorporating a minimum of two different design elements from the options listed below. All other facades shall incorporate a minimum of two different design elements every 60 feet. Facades of less than 45 feet shall provide two different design elements.
 - i. Canopies, permanent decorative awnings, or windows with overhangs;
 - ii. Wall plane projections or recessions with a minimum of four feet of depth;

- iii. Pillars or columns;
 - iv. Recessed entries, stoops, porches, colonnades, or arcades;
 - v. Balconies extending from the building;
 - vi. Boxed or bay windows.
- 2) As represented below, buildings three stories or less shall incorporate a parapet that varies by a minimum of two feet, such that no more than 66 percent of the roofline is at the same height.



f. Building materials.

- 1) All buildings located on a single building lot shall have materials and colors that are similar and compliment each other architecturally. This applies to all stand alone and pad site buildings, regardless of use or size. All exterior facades of a pad site building must meet the same requirements for pad site buildings as all other buildings on the same site with regard to facades facing rights-of-way. All buildings shall employ architectural, site, and landscaping design elements that are integrated with and common to those used on the main/primary buildings or structures on the site. These common design elements shall include building materials associated with the main/primary structure. In the event that a pad site or nonprimary building is developed prior to the primary/main building, then all other buildings shall have materials and colors that are similar and complement each other architecturally to the first constructed building.
- 2) Existing buildings may continue to utilize materials other than those listed below provided that any material replacement is for maintenance purposes only and the existing material is continued. Any material change or replacement of more than 30 percent of the total area of all facades shall require that the building materials be brought into compliance with this subsection. This shall apply to buildings damaged by natural or manmade causes and accidents. All other materials are expressly prohibited unless a variance is granted by the County Council. When determining the area of a facade, windows and doors are included.
- i. The following applies to the first two stories of all buildings. All building facades that are visible from a right-of-way shall have at least ten percent of the surface area of the facade consist of one or more of the following building materials:

1. Fired brick.
 2. Natural or cultured stone.
 3. Marble.
 4. Granite.
 5. Matte finish tile.
 6. Any other concrete product provided that it has an integrated and integral color and is textured or patterned (not aggregate material) to simulate rock, stone, marble, granite, or tile.
- ii. Stucco, EIFS (Exterior Insulation and Finish Systems), hardboard, concrete products as listed in this subsection, reflective glass, certain metal products described in this subsection, and cedar siding are allowed on all facades subject to the following limitations:
1. Stucco, EIFS, high build textured paint on concrete to simulate the appearance of EIFS, hardboard, or any material equivalent in appearance and quality as determined by the County Council shall not cover more than 50 percent of any facade, including those not facing a right-of-way.
 2. Wood or cedar siding shall not cover more than 30 percent of any facade.
 3. Honed, kerfed, fluted, smooth or split face tinted concrete blocks shall not cover more than ten percent of any facade.
 4. Reflective glass (greater than 30 percent reflectivity) shall not cover more than 80 percent of any façade. Exemption may be allowed when a professionally licensed architect or professional engineer provides calculations verifying that energy code compliance cannot be achieved without a greater use of reflective glass. Such calculations shall be verified and approved by the chief building official and shall comply with the International Energy Code, as adopted and amended by the County.
 5. Stainless steel, chrome, aluminum, standing seam metal, and premium grade architectural metal may be used as an architectural accent and shall not cover greater than 20 percent of any façade.
 6. Painted steel siding, aluminum, and/or galvanized steel may be used provided that the façade is not visible from a right-of-way, park area, public open space, or residential area. The use of these materials on any façade must be screened from adjacent properties. This screening may be done with landscaping elements, berming, or masonry, brick, or stone walls. Galvanized or painted steel is not allowed on doors including roll-up doors except in industrial uses and where required for security purposes.
 7. Architects, designers, and developers shall provide a table demonstrating compliance with these requirements, stating material used, percentage of the façade, and the

overall square feet of the façade using that material (including windows and doors).

g. Building colors.

- 1) All building façades and roofs shall consist of only colors as reviewed by County Staff and approved by the Planning Commission and County Council. Architects, designers, and developers shall present a sample color palate and materials board in connection with the preliminary site plan review. Colors shall be of tones generally found in natural settings and shall compliment the natural environment. Accent colors should complement the main color scheme of the building.**
- 2) Neon, metallic (except copper and silver metallic colored roofs and accents) and fluorescent colors are prohibited on any façade or roof.**
- 3) When applying brick, colors normally found in manufactured fired brick are permitted. All colors of natural stone are permitted.**
- 4) Building and roof color requirements apply to all new buildings, redeveloped buildings, and façade work.**
- 5) Existing buildings may continue to utilize colors currently in use in the façades provided that repainting is done for maintenance purposes only. Any color change on existing buildings shall be brought into compliance with this subsection and color samples shall be submitted to the Chief Building Official and County Zoning Administrator for review.**

h. Pedestrian/bike circulation and facilities.

- 1) Each building shall provide a facility capable of storing a minimum of eight bicycles per 5,000 square feet of aggregate finished floor space (with a maximum of 30). The area provided for this facility shall be approximately 100 square feet and shall be located in a secure, lighted place near the main facility entrance.**
- 2) Facilities shall be located in such a manner as to be apart from automobile and pedestrian traffic, with a minimum of three feet of separation.**
- 3) Bicycle facilities shall allow the securing of each bicycle to the bicycle rack by a wheel and the frame using either a U-lock or cable or chain-type lock. Facilities shall support the bicycle at two points and shall be anchored securely to the ground.**

i. Parking lots. These requirements are in addition to and not in lieu of the requirements established in this Code for off-street parking.

- 1) Where parking or drive aisles are located between the building and the public right-of-way, there shall be a minimum ten feet (10') setback from the public right-of-way line to the parking area or drive aisle.**
- 2) Pedestrian walkways adjacent to the front of buildings are required for all commercial uses with more than 200 feet of continuous right-of-way frontage or that incorporate more than one unit. Raised pedestrian walkways are required within the parking area for parking lots which have more than 100 parking spaces.**
- 3) In order to break up the parking lot area and minimize the visual impact of a large parking area, one of the following parking concepts is**

required, or a combination of any of these elements, to provide an aesthetically pleasing parking area in parking lots with more than 120 spaces. Pedestrian walkways shall be provided for in the areas described below.

- i. Every 120 spaces shall be a distinct parking area connected by driving lanes but separated by landscaping strips a minimum of eight feet wide and the full length of the parking row. Where pedestrian facilities are located within these landscaping strips, the sidewalk shall be a minimum of ten feet wide with a minimum of four feet of landscaped area on each side of the sidewalk.
 - ii. For every 120 parking spaces, a 1,800-square-foot landscaped island, or landscape pod, shall be installed. Such island shall be located internally to the parking lot and shall be located so as to visually break up each 120 spaces. The landscaping square footage for parking lots greater than 120 parking spaces shall be prorated at 15 square feet of landscaping per parking space. This landscaping may incorporate both vegetation and hardscape elements (pavers, stamped concrete, etc.). Landscape pods shall present a unified theme in design with the overall landscaping and public open space in the development, and shall have direct access to all other buildings and open spaces in the development.
 - iii. For every 120 parking spaces, an additional 1,800 square feet of landscaped area shall be added/distributed to the interior rows and end islands located closest to the right-of-way line (i.e., in conjunction with the minimum setback creating a double row of landscaping), but in no event shall the additional landscaped area be located farther than 100 feet from the right-of-way frontage. The landscaping square footage calculation for parking lots greater than 120 parking spaces shall be prorated at 15 square feet of landscaping per parking space.
 - iv. Interior island area requirements as required in this Section shall not be consolidated into end islands, landscape strips, and/or landscape pods, but shall be constructed so as to be directly connected to landscape strips, raised walkways, and/or landscape pods.
 - v. Shopping cart storage and collection spaces shall be clearly identified on the site plan. These spaces shall not be located in landscaped islands or in any areas designed for plantings or pedestrian or bike access.
- j. Additional standards for complexes of 150,000 square feet or greater. In addition to the above standards, the following shall apply to buildings or combinations of buildings that are 150,000 square feet or greater, whether connected or not but part of a single building plot.
- 1) Each development shall contain a plaza developed as an integral part of the development and not less than ten percent of the aggregate finished floor space of all buildings (or a minimum of 15,000 square feet). This open space shall not count toward required parking islands

or area requirements of a parking lot. This area shall incorporate at least three of the following:

- i. Seating components (benches, amphitheaters, low seating walls, etc.).
- ii. Structural or vegetative shading (pergolas, gazebos, trellises, etc.).
- iii. Water features (fountains, ponds, waterfalls, etc). Note: pond surface area may be counted toward the required plaza square footage.
- iv. Decorative landscape planters.
- v. Public art.
- vi. Outdoor eating accommodations.
- vii. Hardscape elements at entrances and within the parking area, such as decorative pavers, low masonry walls, retaining walls, clock towers, directional and information kiosks, etc.

Pedestrian walkways in parking lots that are landscaped in a common theme as in the public plaza area will count toward the required public plaza area.

- 1) All landscaping requirements as described in this Code shall be followed in all landscaped areas
 - 2) All parking areas shall be screened using berms along all rights-of-way.
- k. Outdoor lighting standards. It is recognized that no design can eliminate all ambient light from being reflected or otherwise being visible from any given development; however, the following requirements shall be followed to the fullest extent possible in order to limit nuisances associated with lighting and resulting glare. Exception may be made for security reasons related to heavy industrial uses.
- 1) Lighting within developments other than single-family residential, duplexes; public lighting along rights-of-way. All lighting within developments other than single-family residential and duplexes shall meet the requirements of this subsection. Public lighting in and along all rights-of-way shall meet the standards required in this subsection.
 - 2) Site lighting design requirements. Lighting plans and photometric analyses shall be submitted with site plans and landscaping plans and shall demonstrate compliance with the following requirements:
 - i. Fixture (luminaire). The light source shall not project below an opaque housing. No fixture shall directly project light horizontally.
 - ii. Light source (lamp). Only LED, incandescent, florescent, metal halide, mercury vapor, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one site throughout any master-planned development.
 - iii. Mounting. Fixtures shall be mounted in such a manner that the projected cone of light does not cross any property line. Exception may be allowed for specific uses that require additional security lighting, including industrial, manufacturing, etc.

- 3) Specific lighting requirements.**
 - i. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use.**
 - ii. All lighting fixtures incorporated into nonenclosed structures (e.g., gas pump canopies, carwashes, etc.) shall be fully recessed into the underside of such structures.**
- I. Outdoor storage and display.**
 - 1) General. Outdoor storage and display is allowed in nonresidential districts in accordance with this section. Any merchandise, material, or equipment situated outdoors and visible from the public right-of-way or adjacent properties shall be subject to the requirements of this section. No outdoor storage or display shall be allowed to occur in required parking areas.**
 - 2) Categories of outdoor storage and display. For the purpose of this section, outdoor storage, display, and sales shall be broken down into four types, as follows.**
 - i. Outdoor display. Outdoor display is display of items actively for sale. Outdoor display shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall. Such storage shall not be permitted to block windows, entrances, or exits, and shall not impair the ability of pedestrians to use the building or sidewalk.**
 - ii. Permanent outdoor sales areas. Merchandise may be stored or displayed for sale to customers in areas contiguous to the principal building. Permanent outdoor sales areas shall be enclosed by a minimum six-foot screen or wall. Such areas shall not exceed 1,000 square feet or ten percent of the total site area, whichever is greater. Permanent outdoor sales areas must comply with setback requirements. Such areas may not interfere with parking and parking lot requirements. Permanent areas open to the public for the display and/or sale of merchandise shall be shown on a site plan and will be included in parking requirement calculations.**
 - iii. Temporary outdoor sales and storage. Temporary outdoor sales areas, including sales tents, may be displayed for a two-week period in a calendar year. Such areas shall be clearly defined and shall not interfere with parking lot requirements. Christmas trees may be displayed for sale from November 15 to January 15.**
 - iv. General outdoor storage. Outdoor storage consists of all remaining forms of outdoor storage not classified above. Outdoor storage visible to the public right-of-way or adjacent properties is allowed so long as it is completely screened from view outside the site by a solid wall or fence at least six feet (6') but not more than eight feet (8') in height. Outdoor storage shall not exceed the height of required screening. Outdoor storage shall not be allowed within a required front setback.**
- 3) Exceptions.**

- i. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the restrictions of this section. Such vehicles shall be located and displayed on a paved area that meets parking lot pavement standards and shall be screened under the same requirements for a parking lot.
 - ii. Waste generated on-site and deposited in ordinary refuse containers shall not be considered outdoor display or storage.
- 4) Location of outdoor storage and display. Unless specifically authorized elsewhere in this Code, all outdoor storage, display, and sales shall be located outside the public right-of-way and must adhere to the required district setbacks. Sections of this Code governing signage regulations shall control all aspects of signage and display throughout all areas of the County.

m. Industrialized housing and buildings. Notwithstanding other provisions in this section, the following shall apply to industrialized housing and buildings within all zones of the County:

- 1) Definitions.** The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Industrial buildings.

- a. The term "industrial buildings" includes permanent commercial structures and other commercial structures designed to be transported from one commercial site to another commercial site.
- b. The term "industrial buildings" does not include structures more than three stories or 49 feet in height, structures not installed on a permanent foundation, and structures not open to the public, or that are less than 1,500 square feet in total area and are used as other than places of worship or schools.

Industrialized building means a commercial or industrial use structure that is:

- a. Constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site;
- b. Includes the structure's plumbing, heating, air conditioning, and electrical systems; and
- c. Designed to be used as a commercial building when the module of the modular component is transported to the commercial site and erected or installed.

Industrialized housing.

- a. The term "industrialized housing" means a residential structure that:
 - i. Is designed for the occupancy of one or more families;

- ii. Includes the structure's plumbing, heating, air conditioning, and electrical systems;
 - iii. Is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - iv. Is designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
 - b. The term "industrialized housing" does not include structures over three stories or 49 feet high, housing that utilizes sectional or panelized systems not using modular components, or manufactured homes.
- 2) **Permit required.** All industrialized building, whether residential dwellings or commercial or industrial buildings, shall apply for a permit through the chief building official. All industrialized construction shall bear a certification placard or decal indicating inspection by the state department of licensing and regulation. Plans, designs, and specifications shall be properly sealed and approved by the state industrialized building code council. The chief building official shall have access to the site prior to and during construction of footings, foundations, utilities, and installation of the modules and industrialized components for the inspection of the facilities. All industrialized buildings for commercial and industrial use shall comply with architectural standards as outlined in this chapter, including landscaping and off-street parking requirements.
- 3) **Single-family or duplex industrial housing regulation.** Single-family or duplex industrial housing shall be subject to the following regulation:
- a. Single-family or duplex industrial housing shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County;
 - b. Single-family or duplex industrial housing shall have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - c. Single-family or duplex industrial housing shall comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
 - d. Single-family or duplex industrial housing shall be permanently and securely fixed to a permanent foundation.

For the purposes of this subsection, the term "value" shall mean the taxable value of the industrialized housing and the lot after the installation of the housing.

- n. **Conservation bond required. For large retail developments greater than 50,000 square feet of open plan, big-box-type warehouses, stores or shops, and including, but not limited to, car sales, used car lots, strip malls and parking structures, the developer shall be required to post a conservation bond equal to 20 cents per square foot, or 110 percent of the cost of demolition and removal of the structure and associated parking, whichever is greater. If the building is determined to be unoccupied, the County may order the demolition of the building and parking areas. This demolition will take place if 70 percent of the structure/lot is unoccupied for more than two years.**

G. **H. Conditional Use Permits Are Public Comment Items:** All conditional use permits are considered public comment items. The first public meeting regarding a conditional use permit shall be noticed as a public comment item pursuant to this title.

Section 8-8-5 (General Standards) follows:

When applicable, the following general standards shall apply to all conditional use developments within the county, unless waived for good and sufficient reasons by the ~~planning commission~~ **governing body**:

- A. **Ownership:** The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- B. **Landscaping, Fencing And Screening:** Landscaping, fencing, and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. **Where required, the developer shall be responsible for installation of all landscaping, fencing, and screening within the development.**
- C. **Signs And Lighting:** The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.
- D. **Grading And Drainage Plan:** A grading and drainage plan shall be submitted to the ~~planning commission~~ **County Engineer** with the application.
- E. **Planting Plan:** A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for the entire site to be developed, including especially the yards which abut upon public streets.
- F. **Use Not Detrimental:** It shall be shown **by the applicant** that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.
- G. **Water And Sewer System:** All buildings used for human occupancy when completed shall be served by a ~~central~~ water system and appropriate sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

H. Bond: In order to ensure that the development will be constructed to completion in accordance with approved plans, the ~~planning commission~~ **governing body** shall require the developer to render a payment, or post a performance and/or completion bond, mortgage, or other valuable assurance acceptable to the governing body, in an amount equal to the estimated cost as determined by the county engineer, plus ~~fifteen percent (15%)~~ **ten percent (10%)** of constructing the proposed project, including, without limitation, all required landscaping, road improvements, pedestrianways, bike paths, curbs and gutters, utility lines, conduits, street lighting, hard surfacing, culinary water and sewer lines (and domestic sewage disposal facilities if sewer is not available), as shown on the final site plan. The ~~planning commission and/or~~ governing body shall also require the developer to post an adequate bond to ensure proper rehabilitation as the circumstances warrant. The ~~planning commission and/or~~ governing body may also require of the developer an additional bond to ensure against any damage to any property, buildings, improvements, structures, water wells, springs and water aquifers which may be adversely affected by the proposed project in such amounts as the planning commission and/or governing body determine is appropriate under the proposed project. Any such bond shall be in favor of the county and each affected third party private property owner. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the planning commission staff. Final determination of the amount of each required bond or other assurance shall be made by the **County Engineer and approved by the** governing body.

5. The duration of the bond or other assurance shall be for one or more years from the date of approval of the development by the governing body and an extension of time for completion may be granted by the governing body upon application by the developers, provided such application is submitted at least sixty (60) days prior to the expiration of the bond or other assurance, and provided the issuer of the bond is willing to extend the time of the assurance.
6. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the development by the governing body, or to pay all liens in connection therewith, the governing body may declare the bond or other assurance forfeited and the county may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
7. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the county engineer shall make a preliminary inspection of the improvements to be made and submit a report to the governing body setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the governing body shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the governing body may declare the developer in default.

I. Fees And Costs Paid By Applicant: In connection with any application for a conditional use, the applicant shall pay to the county, within ten (10) days of receipt of each invoice, all of the county's out of pocket engineering and professional fees and costs incurred in connection with the independent professional review, inspection, testing and/or analysis of the proposed development or project, and the project during construction and upon completion of the same, including, without limitation, all plan and report review and inspections, and supervising and reviewing any required environmental assessment or environmental impact statement.

J. Environment: Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. ~~Permanent automatic irrigation~~ **Irrigation** systems shall **may** be installed ~~when required by the planning commission~~ to provide for maintenance of planted areas.

K. Plans, Plats And Documents: Details of plans, plats and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the ~~planning commission~~ **governing body**.

L. Standards And Requirements: The development shall meet all standards and requirements of this title and all requirements of applicable ordinances.

M. Character Of District: The development shall be in keeping with the general character of the district within which it is to be located.

N. Plan Preparation: Depending upon the complexity of the project, the ~~planning commission~~ **County Engineer** may require that plans for the development be prepared by a qualified professional team. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the county that the developer solve his/her problems before approval is given and construction begins.

O. Storm Drainage Facilities: Storm drainage facilities **shall be approved by the County Engineer and Public Works Director and** shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

~~P. Permits Required: All structures required by this title to have building permits and all uses required to have use permits shall be inspected by the building official in accordance with procedures established by the building code, as adopted by the county and this title; provided, however, that no building permit for such structures or use permits shall be issued until the planning commission, or the zoning administrator if authorized by the planning commission and governing body, has issued a conditional use permit for the building site or use or have determined that a conditional use permit is not required by this title.~~



PLANNING COMMISSION AGENDA

Thursday, April 28, 2016
Morgan County Council Room
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/Public Hearing/Decision: Re-Zone – Rees Re-Zone Request: A request to re-zone approximately 125 acres of property located at approximately 2020 Round Valley Road from the A-20 to RR-1 zoning.

Administrative:

7. Planning Commission Business/Questions for Staff/Ordinance Update
8. Approval of minutes from April 14, 2016
9. Adjourn

Members Present

Shane Stephens
Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Michael Newton
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Mark Rees
Tina Cannon
Tina Kelley
Veloy Dickson
Lee Dickson
Merrilee Esplin
Bruce Tonks

Carol Tonks
Kirk Tonks

1. Call to order – prayer. Chair Haslam opened the meeting. Member Newton offered prayer.
2. Pledge of Allegiance
3. Approval of agenda –
Member Newton moved to approve the agenda. Second by Member Wilson. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There was none.
5. Public Comment
There was none.

Member Ross moved to go out of public comment. Second by Member Newton. The vote was unanimous. The motion carried.

Legislative:

6. Discussion/Public Hearing/Decision: Re-Zone – Rees Re-Zone Request: A request to re-zone approximately 125 acres of property located at approximately 2020 Round Valley Road from the A-20 to RR-1 zoning.

There was nothing to add from either Bill Cobabe or Mark Rees about this application. Chair Haslam clarified they have letters from all affected property owners.

Public Hearing--
There was none.

Member Sessions moved to go out of public hearing. Second by Member Newton. The vote was unanimous. The motion carried.

Member Newton moved to forward a positive recommendation to the County Council for the Rees Zoning Map Amendment, application number 16.011, changing the zoning district from A-20 to RR-1, based on the findings listed in the staff report dated April 28, 2016.

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses in the area.
3. That the anticipated development will not adversely impact the adjacent properties.

Second by Member Ross. The vote was unanimous. The motion passed. Member Stephens abstained from voting on this item.

Administrative:

7. Planning Commission Business/Questions for Staff/Ordinance Update

The Planning Commissioners discussed County Standards. Attractive nuisances were defined as situations where people could go into uninvited on a property, such as an abandoned house or a swimming pool (abandoned or not). Bill clarified that “barriers to access” is a phrase, so that wording in the packet made sense (along with other barriers). There was discussion on water standards, and that there should be a minimum required in addition to state requirements. Bill inserted “All uses shall comply with applicable state and local standards.” Member Newton suggested adding the same wording on the next item also. Member Nance wanted clarification on the process to approve the conditional use table. Member Sessions stated that what they are reviewing and discussing tonight are standards, not conditions.

Land Use Ordinance Text Amendment – Conditional Use Standards:

C. Environmental Concerns:

3. Air pollution and incinerators were of concern for Member Nance. He wanted an ordinance to eliminate businesses with any type of furnace or incinerator, as they contribute to air pollutants. Member Sessions stated that there are additional pollution contributors: freeway and agricultural pollution. Member Stephens asked how they could regulate or monitor a standard suggesting no pollution among businesses. Bill provided the example of a machine shop and how that type of business provides good jobs and valuable service for the County, but they emit some level of pollution. Bill suggested minimum standards or levels for air pollution, which the County could monitor. He also suggested eliminating certain uses (like crematoriums) that produce pollution that County residents are not comfortable with. One example used was to require a scrubber to be installed on an incinerator.

a. It was decided to add water and air quality standards: Developments which produce any air pollution and/or discharge of water course shall demonstrate compliance with all federal, state, and County air and water quality standards.

5. Chair Haslam removed Planning Commission wording and added County Engineer as the responsible party in its place.

Member Sessions would like to add a noise standard, added as #13 and the current #13 moved to make a new #14 on the current list. Bill said he would work with the County Engineer to get decibel recommendations.

6. The slope will be changed from 30% to 25%.

7. Members Sessions and Stephens had concerns with this item. Bill said there are changes being made to

internal policies to eliminate the back and forth from one engineer to another. Bill reworded hillside construction to “in a geologic hazard area as identified as per 8-5H, the application will be approved only after the applicant provides.” Chair Haslam wanted to combine 7a and 7b. He also wanted to eliminate responsibility for the Planning Commission on 7c and insert the County Engineer in its place. Chair Haslam suggested inserting the 25% slope (instead of 30%) for 7a.

8. Make #8 a letter d under the previous #7.

9. Bill will move this up to e under #7. He will re-number them so they are in the correct order.

10. Eliminate Planning Commission and inserting County Engineer and Public Works Director.

12. Some replacement of Planning Commission with County Engineer. There was discussion as to what role the County Engineer would play in the major assessments. Commissioners would like to have the current County Engineer review this item and its subsequent (a), (b) and (c).

13. Replace Planning Commission with County Engineer as the governing body. Bill suggested adding the phrase “reasonable standards” in the wording somewhere.

D. Conditions Relating to Compliance with Intent of General Plan and Characteristics of Vicinity (or Neighborhood)

Member Sessions suggested restricting steel warehouses and enforcing a more attractive façade for the outside of a commercial building. She also had recommendations for traffic and road repair.

E. Conditions Relating to Performance:

2. Member Sessions stated that the 115% bond changed to 110%, per State code. Chair suggested adding the County Engineer here also. Chair discussed the 3 year rehabilitation effort number. He said 3 years seems too long. Bill said he will reword to reflect the intent of that statement and change it to 1 year. Member Nance suggested changing “may” to “shall” in pertaining to the requirement of a bond. Chair clarified there are 2 different types of bonds and distinctions. It was decided to keep the “may” for the cost of construction and change the wording to “shall” for the cost of rehabilitation. Member Newton reminded that these are the Standards by which conditions are made. He cautioned that a circumstance may arise where a bond is not necessary and he would like the discretion to decide. Bill suggested a landscaping plan and added that to wording as a 2b.

4. Chair added governing body after the planning commission. Bill changed the applicant “may” be required, to the applicant “shall” be required.

F. Energy Conservation Concerns:

G.

The planning commission decided to remove both items F and G. By removing those, public comment would not weigh in on decisions. The public would still be able to voice frustration and opinions, but it would not be required by law for public comment to be considered during conditional use permits.

Section 8-8-5 (General Standards)

Chair would like to have a standard for the developer to put up their own fencing. "Where fencing is required, the developer shall install a fence". This wording is to keep livestock contained where applicable and appropriate.

G. No "central" water system.

H. In all occurrences, Chair would like planning commission changed to governing body and County engineer.

J. Environment: Chair wanted to remove automatic irrigation system as being required by the planning commission. He suggested changing the wording from "shall" to "may". Discussion ensued on the automatic irrigation wording. Bill will reword and bring it back to the Planning Commission.

K. Remove planning commission.

P. There was some confusion as to what was required. Some felt it was redundant. Leave it in for now.

Bill will have these revised notations in 2 weeks as well as architectural standards. He presented upcoming training opportunities in Vernal. Bill reported on the General Plan Update Committee. They will meet May 5, 2015 and the Rural Planning Group will come and discuss how to manage growth. May 12, 2016 is the joint Planning Commission and County Council meeting with Brent Bateman at 5:00 pm. Planning Commission meeting will commence afterward. Bill will be gone after that until June 12. May 19, 2016 is the date for an open house style meeting to discuss the new flood plain maps.

Member Ross commented on the newly approved Mountain Green sub-committee to discuss planning suggestions. He introduced proposed members. The compiled list includes a large number of people who will be contacted by email in the next few days to share their thoughts on the A-20 areas in Mountain Green. Member Ross felt they can accomplish what they need to in 2 meetings, which is to recommend what they want and do not want in the specified area. The area being covered is from the Mtn. Green exit to Ken Lane residence (which lies within the fire district.) There are people from Whisper Ridge, Rollins Ranch, landowners, stakeholders, Mtn. Green residents, etc. who are invited to participate. The process begins with this committee and they will make recommendations to the planning commission. The public will be invited to that meeting, as well as the subsequent county council meeting. Member Ross will send the email to those on the committee, plan 2 meetings, and be the head of the committee to direct discussion and concerns. They will not turn anyone away from this committee meeting and additional discussion about concerns in Mountain Green is welcome.

8. Approval of minutes from April 14, 2016

Planning Commissioners requested a revised copy of the amended minutes for review and approval at the next meeting.

9. Adjourn

Member Stephens moved to adjourn. Second by Member Newton. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman, Roland Haslam

ATTEST: _____ Date: _____
Mickaela Moser, Transcriptionist
Planning and Development Services

DRAFT